



CENTRAL VALLEY JOINT VENTURE

Conserving Bird Habitat in California's Central Valley

Conservation Organizations

July 23, 2012

Audubon California

California Waterfowl
Association

Defenders of Wildlife

Ducks Unlimited, Inc.

PRBO Conservation Science

River Partners

The Nature Conservancy

Trust for Public Land

Dr. Jerry Meral, Deputy Secretary
California Natural Resources Agency
1416 9th St, Suite 1311
Sacramento, CA 95814

Dear Dr. Meral:

On behalf of the Central Valley Joint Venture (CVJV) Management Board, we are writing to clarify the habitat needs of migratory birds in the Sacramento-San Joaquin Delta to help insure they are adequately considered in the Bay Delta Conservation Plan (BDCP), the Delta Plan, and other associated planning efforts in the region.

The CVJV is a partnership of 21 public and private entities comprised of government agencies, science and conservation organizations, and one corporation. Our mission is to work collaboratively to protect, restore, and enhance habitats for birds, in accordance with conservation actions identified in the CVJV Implementation Plan¹ (Plan). The Plan provides a cohesive vision for bird conservation in the Central Valley within the context of the entire Pacific Flyway and in association with four international bird conservation initiatives. The Plan is based on the best available science and sets quantitative habitat and population objectives to meet the needs of migrant and resident birds.

We fully support wetland restoration in the Delta and urge that restoration planning take into account the needs of the entire ecosystem rather than focus on a particular species or community. Plans that influence the future of the Delta have the obligation to fully recognize, protect and where feasible enhance the migratory bird values of the region. The potential for restoring ecological conditions favorable for native fish species is clearly important, but should be additive to, rather than at the expense of, existing avian and other terrestrial values. The CVJV partners have accomplished, at great public and private expense, an incredible amount of wetland restoration that should be accounted for as assets in these planning efforts.

Background: As you know, the amount of all wetland types in California has been severely reduced and degraded over the last 200 years. California has lost more than 95% of its historic wetlands, largely due to urbanization, flood control and agriculture. As a result, many wetland-associated species

¹CVJV 2006 Implementation Plan- <http://www.centralvalleyjointventure.org/science>

have declined from historic levels and are increasingly dependent on the last remaining wetlands. Despite these tremendous losses, California remains the most important wintering and migratory stopover area for waterfowl and shorebirds in the Pacific Flyway. In addition, many year-round resident bird species rely completely on our state's wetlands.

The importance of wetland habitat in California is widely recognized and "no net loss" policies have been established at the state and federal levels to promote conservation of existing wetlands and restoration of additional wetland acres. In 2009, the State Legislature passed the Delta Reform Act (SBX7 1) which, among other things, amended the Water Code to insure the Delta Plan included restoring habitat necessary to avoid a net loss of migratory bird habitat and, where feasible, increase migratory bird habitat to promote viable populations of migratory birds (*Water Code §85302*).

The CVJV has supported these policies, and our Plan provides a bird conservation blueprint by identifying specific goals and objectives for wetland, riparian and agricultural habitats. The CVJV has also promoted and helped implement non-traditional management solutions to fulfill the needs of waterbirds by working extensively with private wetland managers and agriculture. This is critical, because there is insufficient wetland habitat in public ownership to support current migratory bird populations. In addition to conventional restoration and protection, the CVJV also emphasizes active management and enhancement of existing wetlands and agriculture to maximize the benefits to waterbirds. Few wetlands with natural hydrology remain in the Central Valley due to reclamation and flood control projects. Most wetlands are intensively managed and artificially flooded during the winter as surrogate habitat to replace lost natural wetlands. Seasonal wetlands are flooded in fall to coincide with waterbird migration, and water depth is manipulated to attract target species. Water is drawn down in spring to expose the soil and stimulate growth of beneficial food plants. Prescriptive water control includes subsequent irrigation during the growing season to improve food production and availability for birds the following fall and winter. Enhancing agriculture for waterbirds involves applying water to certain crops to provide supplemental foraging habitat to meet the energetic needs not provided by the Central Valley's limited natural or managed wetlands.

The Plan defines specific habitat goals and objectives, by basin, for several avian groups deemed of ecological or economic value in the Central Valley. The basins approach provides a distributional component to the Plan strategy, which requires that all of the habitat needs not be located in one or few isolated (and therefore vulnerable) locations, but rather be spread throughout the length and breadth of the Central Valley. Three of these basins (Suisun, Delta, and Yolo) are within the BDCP planning area. Specific objectives for the three basins are included as an appendix to this letter.

Status: Habitat in the Delta region has become considerably more hospitable to avian species as a result of CVJV activities largely due to conservation efforts in the Yolo Basin (e.g., expansion and restoration at the Yolo Bypass Wildlife Area). However, funding and permit restrictions have limited our enhancement efforts in the Suisun Basin.

Recommendation: We respectfully recommend that all Delta-related planning efforts including BDCP and the work of the Delta Stewardship Council incorporate the following goal, principles and objectives:

GOAL: Contribute to the attainment of the acreage, water, and bird population goals set forth by the Central Valley Joint Venture Implementation Plan.

PRINCIPLE 1: Avoid Detrimental Impacts to Wetland Water Supply. Ensure that BDCP activities: 1) enhance, and do not directly or indirectly compromise the ability to

provide full Level 4 and Level 2 water deliveries to federal refuges, state wildlife areas and private wetlands identified in the Central Valley Project Improvement Act (*Public Law 102-575*) and aid in meeting this existing statutory obligation; and 2) do not negatively impact the water supplies of private and public wetlands, including agricultural wetlands, in the Sacramento and San Joaquin Valleys.

- Action 1.1: Within BDCP's NEPA/CEQA processes, analyze water transfer activities that are within the scope of BDCP specifically for potential adverse impacts to CVPIA refuge water supplies and ensure full mitigation for these impacts.

PRINCIPLE 2: Mitigate for Impacts to Brackish and Freshwater Wetland-associated Birds and Bird Habitat. BDCP actions that result in losses of brackish and freshwater wetlands (including seasonal, permanent, and managed wetlands, mud flats, and winter flooded corn and rice areas meeting CVJV Plan criteria) should be fully mitigated consistent with the Natural Communities Conservation Planning Act of 2003 (*Fish and Game Code 2800 et seq.*). Mitigation actions should:

- Action 2.1: Place mitigation wetlands within the Delta on site and in kind to the maximum extent possible but otherwise within the Central Valley.
- Action 2.2: Plan and construct mitigation wetlands near existing wetland complexes whenever possible².
- Action 2.3: Fund conservation easements for bird-compatible agriculture that contributes to meeting the CVJV goals.
- Action 2.4: Enhance existing wetlands and agriculture to improve their productivity and quality for birds.

PRINCIPLE 3: Use Adaptive Management to Improve Mitigation Outcomes. Implement a monitoring and assessment program at all wetland mitigation sites and at regional scales to assess the effectiveness of mitigation actions. Mitigation actions should include clear and measurable goals and objectives.

- Action 3.1: Establish an independent science advisory panel to assess the effectiveness of wetland mitigation actions. Include representation from the CVJV. This panel could be part of the Delta Stewardship Council's Independent Science Board.
- Action 3.2: Develop site level mitigation monitoring and assessment for shorebirds, waterfowl and their habitats using established monitoring protocols so that data generated are compatible with existing monitoring programs (e.g. Pacific Flyway Shorebird Survey³, Mid-winter Waterfowl Survey).
- Action 3.3: Develop and/or support maintenance plans that contain performance standards to ensure long term sustainability of sites.
- Action 3.4: If mitigation outcomes are deemed by the advisory panel to be insufficient, make sure there is capacity to adapt the mitigation program to meet the objectives.

Through hard work and significant investment, conditions are better today for migratory birds in the Delta than they were twenty years ago. Yet, the CVJV has not fulfilled our wetland habitat conservation goals in the three Delta basins, and our partners continue to look for opportunities there. It is very evident that the physical, economic and political landscapes have changed considerably in the Central Valley since the CVJV began its work, and a reevaluation of migratory bird needs in light of these changes is paramount to improve conservation planning and

² Reiter et al. in prep. Local and Landscape Factors Influence Shorebird Use of Managed Wetlands.

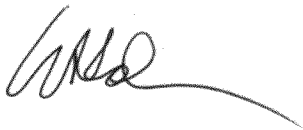
³ Pacific Flyway Shorebird Survey- <http://data.prbo.org/apps/pfss/>

delivery. This is especially true in the Delta region, where BDCP could have an immediate and lasting impact on the migratory bird resource. BDCP must include habitat restoration planning that considers the needs of all species and that emphasizes restoring high-quality habitat in the places that have the highest potential for success. Restoring 65,000 acres of tidal marsh, 10,000 acres of flood plain, and the enhancement of existing flood plains (e.g., the Yolo Bypass area), as proposed in the BDCP, could reduce habitat for certain species of migratory birds depending on the strategy and location of these efforts.

That said, a comprehensive and integrated BDCP has the potential to improve wetland and agriculture habitats important to birds, fish, and terrestrial wildlife. It must be thoroughly evaluated in regards to impacts on migratory birds and impacts avoided, reduced or mitigated to ensure consistency with the Delta Reform Act.

Our partner organizations have staff with considerable scientific expertise in avian and wetland ecology and are willing to provide input during the development of the BDCP and the evaluation of its effects. We look forward to engaging with your agency and others involved in Delta and Suisun planning to insure that ecosystem restoration includes all important habitat types and considers important terrestrial species such as migratory birds.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ellie Cohen', with a long, sweeping horizontal line extending to the right.

Ellie Cohen
Management Board Chair

cc: Central Valley Joint Venture Management Board

Attachment: Avian Habitat Needs in the Delta. The habitat needs for birds and the conservation objectives designed to achieve those needs are found in the CVJV Implementation Plan. They are summarized below.

Suisun Basin - 32,232 acres of highly functioning seasonal wetlands

The CVJV Implementation Plan identifies a number of means (described as “Objectives” in the Plan) designed to achieve the above requirement, as follows:

- *Wetland protection objectives* - There are no wetland protection objectives for this basin, as the entire 58,000-acre marsh (32,232 wetlands) was considered protected by the Suisun Marsh Protection Act of 1977 when the 2006 Plan was published.
- *Wetland restoration objectives* – There are no wetland restoration objectives, because existing managed wetlands were considered adequate to support desired waterfowl populations. However, reductions in wetland values as a result of conversion to tidal or other means would require an equal amount restored to managed wetlands to maintain migratory bird values.
- *Annual enhancement objective for existing wetlands* – 2,686 acres/year
- *Wetland water supply objectives*- 153,102 acre/feet/year

**Yolo Basin - 11,558 acres of highly functioning seasonal wetlands
11,000 acres of winter flooded (or otherwise enhanced) small grain
agriculture**

The CVJV Implementation Plan identifies a number of means (described as “Objectives” in the Plan) designed to achieve the above requirement, as follows:

- *Wetland protection objective* – 5,000 acres
- *Wetland restoration objective* – 3,000 acres
- *Annual enhancement objective for existing wetlands* - 963 acres/year
- *Riparian habitat restoration objective*- 675 acres
- *Wetland water supply objective* – 57,790 acre/feet/year

**Delta Basin - 25,349 acres of highly functioning seasonal wetlands
23,000 acres of winter flooded (or otherwise enhanced small grain**

The CVJV Implementation Plan identifies a number of means (described as “Objectives” in the Plan) designed to achieve the above requirement, as follows:

- *Wetland protection objective* – 3,000 acres
- *Wetland restoration objective* - 19,000 acres
- *Annual enhancement objective for existing wetlands* - 529 acres/year
- *Riparian restoration objective* – 2,500 acres (Cosumnes and Mokelumne rivers)
- *Wetland water supply objectives* – 120,408 acre/feet/year